

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DAVID JORDAN,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-04413

MECHEL BLUESTONE, INC.
and DYNAMIC ENERGY, INC.,

Defendants.

ORDER


The Court has reviewed the *Motion to Approve Class Notice of Settlement and Claims Process* (Document 46), the *Defendants' Response to Plaintiff's Motion to Approve Class Notice of Settlement and Claims Process* (Document 51), and the Plaintiffs' *Reply* (Document 52). The Court has also reviewed the proposed class notice of settlement and claims process and finds that the proposed plan is appropriate according to the Court's findings at the final settlement hearing and Rule 23 of the Federal Rules of Civil Procedure. However, in light of the Plaintiffs' pending appeal of the Court's *Memorandum Opinion and Order* (Document 43) granting in part and denying in part final class membership in this action, the Court finds that it is without jurisdiction to issue a ruling at this time.

Wherefore, after thorough review and careful consideration, the Court **ORDERS** that the *Motion to Approve Class Notice of Settlement and Claims Process* (Document 46) and any other

pending motions be **HELD IN ABEYANCE** pending the Fourth Circuit's ruling on the Plaintiff's *Notice of Appeal* (Document 47).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: May 31, 2018


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA